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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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SOMPO JAPAN INSURANCE COMPANY OF AMERICA and SOMPO JAPAN INSURANCE, INC.	:	07 Civ. 2735 (DC)
<i>Plaintiffs,</i>	:	DECLARATION OF
- against -	:	THOMAS M. EAGAN IN
NORFOLK SOUTHERN RAILWAY COMPANY, NORFOLK SOUTHERN CORPORATION and THE KANSAS CITY RAILWAY COMPANY	:	OPPOSITION TO
	:	DEFENDANTS' MOTION
	:	<u>FOR SUMMARY JUDGMENT</u>
<i>Defendants.</i>	:	

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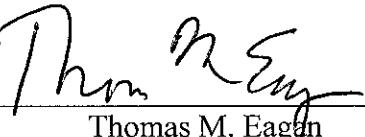
I, Thomas M. Eagan, declare that I am a member of Maloof Browne & Eagan LLC, attorneys for plaintiffs Sompo Japan Insurance Company of America and Sompo Japan Insurance, Inc.

1. Attached as Exhibit 55 is a true copy of U.S. Department of Transportation report, "America's Container Port: Delivering the Goods," March, 2007.
2. Attached as Exhibit 56 is a true copy of an excerpt from Norfolk Southern's website, "NS Intermodal."
3. Attached as Exhibit 57 is a true copy of communications from plaintiffs' counsel to defendants' counsel.

4. Attached as Exhibit 58 is a true copy of the Duncan Shoemaker & Associates Preliminary Survey Report dated May 16, 2006.

I declare the foregoing is true and correct under the penalty of perjury of the laws of the United States.

Dated: Rye, New York
April 29, 2009



Thomas M. Eagan

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